

CRIMINAL NO. 3:05Cr104-20

Defendant.


ORDER DENYING BOND

Because the Defendant pled guilty, it is clear that there is no likelihood that a motion for acquittal or new trial will be granted. 18 U.S.C. § 3142(a)(2)(A)(1). Likewise, no attorney from the government has indicated that the defendant should receive “no sentence of imprisonment.” 18 U.S.C. § 3142(a)(2)(A)(2). Because Congress used the conjunctive “and” between subsections 3142(a)(2)(A) and 3142(a)(2)(B) and since the Defendant can not meet either sub-subsection

3142(a)(2)(A)(1) or (A)(2), there is no reason to even address section 3142(a)(2)(B). Thus the Bail Reform Act mandates his continued custody, regardless of any changed circumstances or any personal or family matters.

THEREFORE Defendant's Motion is DENIED.

Signed: April 20, 2007



Frank D. Whitney
United States District Judge

